

REMARKS

In the Official Action, the Examiner rejected the claims under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,361,396 B1 issued March 26, 2002 to Snyder et al., ("*Snyder*"), in view of U.S. Patent No. 6,290,566 B1 to Gabai et al. issued September 18, 2004 ("*Gabai*"), U.S. Patent No. 6,207,311 to Lastinger issued August 15, 2000 ("*Lastinger*"), U.S. Patent No. 5,661,470 to Karr issued August 16, 1997 ("*Karr*"), and/or U.S. Patent No. 6,380,844 B2 to Pelekis issued April 30, 2002 ("*Pelekis*"). For the reasons set forth below, Applicant submits that the presently pending claims are fully distinguished over the references cited by the Examiner, and respectfully requests reconsideration and allowance thereof at this time.

Claims 1-5, 7-10, 12-22, 24-27,29, 31-39, 41-42, 45, 49-50, and 52-56 are pending in the application with the present amendments. The undersigned attorney for Applicant expresses his thanks for the courtesy extended by Examiner Brown and Primary Examiner Zimmerman in granting the interview that was conducted on August 3, 2004. During the interview, the recited language in the claims, particularly claims 1, 5, and 26, was discussed in relation to *Snyder* and *Gabai* which the Examiner used to finally reject the claims in the April 27, 2004 Official Action. During the interview, it was discussed and agreed that it appears that the cited references fail to teach or suggest a toy having an interaction circuit capable of outputting a selected user-defined output including one or more first words, combined with a selected second output including additional words, to form an intelligible phrase. It was agreed that neither *Snyder* nor *Gabai*, nor the combination thereof, taught or suggested a toy having such features. However, since the feature of combining the phrases in that specific manner had not been recited in the claims as previously phrased, no agreement was reached to allow

the claims at this time. As agreed, pending amendment of the claims to add these recitations, all of the rejections of the April 27, 2004 Office Action would be withdrawn. However, the Examiner reserved the right to conduct a further search.

Accordingly, claim 1 is amended herein to recite a toy having an interaction circuit operable to output, a user-defined output including one or more first words, selected based on receiving an associated answer electromagnetic wave, combined with a selected second output including one or more second words, the second output being selected based on receiving a particular answer electromagnetic wave. Similar amendments are made to the only other independent claims 9 and 26, and similar language also appears in claims 52 and 53.

In an example of operation, as described in Applicant's specification at pg. 8, ¶[0024] and at pg. 11, ¶[0030], a user-defined output including one or more first words are inputted by the user as a word such as "John". By way of example, such word can be input through a microphone. The toy is operable to associate one or more answer electromagnetic waves with the user-defined output such that "John" is selected when the toy senses such answer electromagnetic wave. An example of a second output is "It's time for bed." The toy is operable to select the second output based on receiving a particular answer electromagnetic wave corresponding thereto. The toy is further operable to output the user-defined output "John" combined together with the selected second output "it's time for bed" as an intelligible phrase when both the associated answer electromagnetic wave and the answer electromagnetic wave for a particular RF tag are received. Accordingly, the toy outputs an intelligible phrase "John, it's time for bed," which includes both the user-defined output and the second output.

Clearly, this feature of the invention is neither taught nor suggested by *Snyder* and *Gabai*. *Snyder* and *Gabai*

merely describe toys which provide one or more outputs in response to an external stimuli. Neither *Snyder* nor *Gabai* teach or suggest outputting a user-defined output including one or more first words and a second output including one or more second words combined together to form an intelligible phrase.

Further, applicant respectfully submits that none of the remaining cited references, neither alone nor in combination, teach or suggest the invention that is claimed in amended claims 1, 9, 26, 52 and 53. *Lastinger* merely describes a system in which articles include radio frequency tags. *Karr* merely describes a system in which the toy distinguishes between articles based on the content of electromagnetic waves emitted by the articles. *Pelekis* merely describes a system in which a doll responds differently to transmitters located at different locations of a house. However, none of the references cited by the Examiner either teach or suggest selecting a user-defined output based on receiving one or more associated electromagnetic waves and selecting a second output based on receiving a particular one or more electromagnetic waves, and outputting, in a user-perceptible manner, the user-defined output combined together with the second output to form an intelligible phrase.

Support for the present amendments is provided, *inter alia*, at ¶¶[0022]-[0024] on pp. 7-8, and ¶[0030] on pg. 11.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with

Application No.: 09/803,250

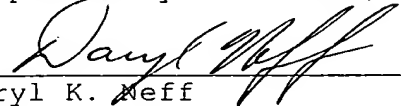
Docket No.: SONY 3.0-042

this requested amendment, the Examiner is authorized to charge
Deposit Account No. 12-1095 therefor.

Dated: September 8, 2004

Respectfully submitted,

By


Daryl K. Neff

Registration No.: 38,253

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

507932_1